

Docket No. 00766.000043
Date: February 8, 2007

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: AKIHIRO UMEZAWA, ET AL.

Application No.: 09/749,728

For: THE CELL HAVING THE POTENTIALITY OF DIFFERENTIATION INTO
CARDIOMYOCYTES

Filed: December 28, 2000

Group Art Unit: 1632

Confirmation No. 6784

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated August 8, 2006 of the Primary Examiner finally rejecting claims 1, 6-19, 21-28, 38, 39, 41, 43 and 44.

The item(s) checked below are appropriate.

1. A Petition for a one month extension of time to respond to the final rejection was previously filed, together with a depository account payment of \$120.00.
2. A Petition for an additional two month extension of time to take further action is being filed currently herewith, together with a depository account payment of \$900.00.
3. Fee \$500.00

Fee \$250.00 (Verified Statement claiming small entity status is enclosed, if not filed previously.)

A depository account payment of \$500.00 has been paid concurrently herewith.

- Not required (fee paid in prior appeal)
- Charge to Deposit Account No. 06-1205 (One additional copy of this Notice enclosed herewith)

4. Any prior general authorization to charge an issue fee under 37 C.F.R. 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 or 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205.

5. Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Lawrence S. Perry/
Lawrence S. Perry
Attorney for Applicants
Registration No. 31,865

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

LSP\ac

NY_MAIN 617485v1